



**VIA FAX AND FEDEX LETTER  
202-226-0092**

January 31, 2002

The Honorable Edward J. Markey  
U.S. House of Representatives  
2108 Rayburn House Office Building  
Washington, DC 20515

Dear Congressman Markey:

This is in response to your letter of January 16 (attached) regarding the safety and security measures followed by FedEx concerning the importation of radioactive materials. I can assure you that FedEx shares your concern with ensuring the safety of our operations, particularly in light of the events of September 11, 2001. The *New York Times* article of January 10, 2002 referenced in your letter unfortunately contained many inconsistencies and mistakes. I hope that this letter will clarify the facts of the incident and address any concerns prompted by that article.

**RADIOACTIVE SHIPMENT**

When the shipper presented the shipment to FedEx in Sweden, the shipment was properly marked, labeled and documented as a radioactive material. Obviously, the fact that the radioactive shipment was found upon delivery to be emitting higher than standard levels of radiation is a matter of great concern to FedEx.

The shipper is required by regulation to survey the package for radiation levels prior to submitting it and in this case, the shipper states that the level of radiation being emitted at that time was within the acceptable and expected levels. The shipment was flown from Stockholm to Paris, where it was transferred to a different aircraft by a specially trained team of FedEx dangerous goods specialists. Before the aircraft departed Paris, FedEx personnel took a radiation measuring unit reading, which indicates the level of radiation present in the area at that time. The unit's reading was "0," meaning that no detectable levels of radiation were present. The unit's reading was not required by any government regulation, but it is FedEx policy to take such a reading on international flights when a

certain amount of radioactive material is present, to ensure the safety of our crewmembers.

FedEx is conducting an internal investigation with the assistance of its radiation physicist consultant. That investigation has revealed that the crewmembers on the aircraft for each leg of the shipment's journey were not exposed to higher than standard levels of radiation. This information was gleaned from the readings of the crewmembers' personal dosimeter devices. These badges are not required by government regulation, but are a FedEx policy to monitor radiation levels to ensure the safety of our crewmembers.

The shipment was transported via aircraft from Paris to the FedEx hub in Memphis. The shipment was transferred onto a truck and driven to New Orleans, where it was to be picked up by the recipient, a FedEx customer since 1975. When the recipient arrived at the FedEx facility to pick up the shipment, the recipient tested the package for radiation being emitted, as required by regulation. The reading showed a higher than standard level of radiation. The recipient notified FedEx of the reading, as well as notifying the State of Louisiana and the National Response Center. The State of Louisiana is currently investigating the matter. FedEx notified the Federal Aviation Administration.

Our investigation has found no harmful effects to any persons who came into contact with the shipment. Our investigation also has confirmed that FedEx complied with and in some instances exceeded all international, federal, state and local governmental requirements governing this shipment. The shipment is currently encased in a structure made of concrete blocks at the recipient's facilities to ensure that the radiation is properly contained. For this reason, the investigators are unable at this time to verify the precise cause of the incident.

FedEx has spent many years developing a safe and secure system for the transportation of radioactive materials and other dangerous goods and we have comprehensive safety and security measures in place for these shipments. We accept radioactive shipments only from known shippers. In this case, the shipper is a sophisticated manufacturer of radioactive materials used for industrial and medical purposes and has been a FedEx customer since 2000. The shipper has consistently tendered shipments that were properly packaged, marked and labeled according to regulatory requirements. However, because our investigation is ongoing, FedEx has discontinued all radioactive services to the shipper. The Swedish authorities have also forbidden the shipper from making any similar shipments until the cause for the failure is discovered. FedEx also has embargoed radioactive shipments of this type from any shipper. FedEx is granting exceptions to the embargo on a case by case basis, considering the identity of the shipper, the content of the shipment, and the importance of the shipment to commerce and health.

Federal and international regulations require that both the shipper and the recipient of a shipment of radioactive materials hold a license to possess such materials. According to those regulations, the shipper has the responsibility of ensuring that the proper licenses

are in place. FedEx, as a transporter, has no regulatory obligation to ensure that such licenses are in place. More importantly, however, FedEx has no available means of determining whether such licenses are in place. Licensing information is held by the National Response Center and is not available to FedEx.

FedEx has cooperated fully with the appropriate authorities in both the United States and Europe. FedEx has communicated with and is currently scheduling a meeting with the Majority and Minority Staff Members of the Oversight and Investigations Subcommittee of the Committee on Energy and Commerce to discuss in depth our safety and security procedures. This week we are hosting two groups of representatives from the General Accounting Office. During that visit we will provide a presentation regarding our dangerous goods training and safety procedures, as well as a tour of our Memphis hub and the dangerous goods sort.

### **GENERAL SAFETY AND SECURITY PROGRAMS**

FedEx has extensive security and safety measures in place which meet or exceed the government's requirements. For example, FedEx conducts background checks on its domestic and international employees, as allowed by the governing authorities, to ensure the integrity of our operations. Additionally, employees in safety-sensitive positions are also tested for drug use on a periodic basis. All FedEx employees who handle packages are trained in awareness of dangerous goods packages, both declared and undeclared. Additional dangerous goods training is required for employees who accept packages, and even further and more extensive training is required for Dangerous Goods Specialists. These specialists examine all declared dangerous goods packages, and they are called upon to examine any suspicious packages detected by FedEx personnel as the packages travel through the FedEx system. FedEx training programs are well respected within the industry, and we provide training seminars several times a year for other companies interested in shipping dangerous goods. These seminars are designed to educate the attendees on shipping dangerous goods safely, regardless of the company they choose as their carrier. Agents from the FAA regularly attend our training seminars, including a special eight-hour course on shipping radioactive materials.

FedEx policy required the above-mentioned radiation monitors, background checks, and training before September 11. FedEx enacted these policies, not because they are required by regulation, but because they help assure the safety of our employees and our customers. Since September 11 and the events that have followed, FedEx has constantly and consistently provided updated safety and security information to our employees. We have provided an Intranet web site that highlights safety topics of interest. We have provided each FedEx employee who handles packages with a pocket guide that lists criteria indicating a suspicious package. These indicators are also listed in posters hung in our break rooms and hallways worldwide. We have sent emails regarding safety and security, and we have held pre-shift meetings to further emphasize each employee's

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responsibility to be vigilant in detecting suspicious packages. Additionally, FedEx has restricted ramp access and enhanced ramp security.

FedEx continues to x-ray suspicious packages and cooperate with Customs and the local law enforcement agencies to allow enhanced screening procedures, the presence of drug-sniffing and bomb-sniffing dogs, and other advanced security measures. Further, FedEx has always required extensive information from the shipper before a package is accepted into our system. Our procedures require the name and address of the shipper, and through our air waybill system, we create an electronic audit trail that provides information about the origin of the package and its route through our system.

FedEx appreciates your interest in the recent radioactive shipment incident and our safety procedures regarding all radioactive and dangerous goods shipments. I assure you that FedEx shares your interest and concern. Our employees are our greatest assets, and our top priority is safety.

Very truly yours,

FEDERAL EXPRESS CORPORATION



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cc: Frederick W. Smith